

1971. No. 401

[NC]

PENSIONS**The Pensions (Preservation of Increases) Order (Northern Ireland) 1971**

ORDER, DATED 30TH DECEMBER 1971, MADE BY THE MINISTRY OF FINANCE UNDER SECTION 6 OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1971.

The Ministry of Finance in exercise of the powers conferred upon it by section 6 of the Pensions (Increase) Act (Northern Ireland) 1971(a) and of all other powers enabling it in that behalf hereby makes the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Pensions (Preservation of Increases) Order (Northern Ireland) 1971.

(2) This Order shall be deemed to have come into operation on 1st September 1971.

Construction

2.—(1) In this Order—

(a) “the 1971 Act” means the Pensions (Increase) Act (Northern Ireland) 1971, “the 1944 Act” means the Pensions (Increase) Act (Northern Ireland) 1944(b), and similarly with other expressions of the same kind;

(b) “average emoluments” and “final emoluments” mean, in relation to a pension payable in respect of a person’s service in an office or employment, the average rate of the relevant emoluments over a period of service in the office or employment and the rate of the relevant emoluments in the office or employment received immediately before the pension begins, respectively;

(c) “averaging period”, in relation to a pension computed by reference to average emoluments, means the period of service by reference to which the average emoluments fall to be determined;

(d) “the supplement” means the addition to the 1971 rate which is dealt with by Article 9 of this Order (in accordance with section 6(6) of the 1971 Act);

and this Order is to be construed in accordance with the definitions and other interpretative provisions repeated from the 1971 Act in Schedule 1 to this Order.

(2) Any reference in this Order to a rate of pension or emoluments is a reference to the annual rate.

(3) This Order has effect subject to any provision made in the exercise of the powers conferred by section 5(3) of the 1971 Act.

Interpretation and use of Tables

3.—(1) In the Tables annexed to this Order the expression “up to”, where used with reference to a date, is to be read as including that date, but in a head or line preceded by one operating by reference to an earlier date as

(a) 1971. c. 35. (N.I.).

(b) 1944. c. 19.

excluding the time up to that earlier date, except in any case to which the preceding head or line does not apply; and similarly where the expression "up to" is used with reference to a rate of pension.

(2) To find from the relevant Table the 1971 rate (with or without supplement) for any pension, the head or line to be used is that relevant to the date when the pension begins; and the basic rate or other rate on which the Table operates for that pension is to be multiplied by the figure given in the column headed by the multiplication sign, and to the result so obtained there is to be added any amount given in a column headed by the £ sign.

Application of Order

4.—(1) This Order applies to the pensions specified in Schedule 2 to the Order, except that it does not apply to—

- (a) any pension that qualified for an increase under the 1920 Act; or
- (b) any lump sum or gratuity.

(2) Schedule 2 to this Order notes for each description of pension the Act under or by reference to which increases dealt with by this Order were first payable on pensions of that description, and references in this Order to a pension being, or not being, within the 1944 Act or another Act of the series are to be construed as references to its being, or not being, noted in that Schedule as within the Act mentioned.

(3) In relation to pensions that are not within the 1944 Act, this Order is to have effect as if provisions applying only to pensions beginning on or before 1st April 1947, or relating to a 1944 element, were omitted.

(4) This Order does not apply to pensions other than those to which it is applied by paragraph (1) above, and in particular it does not apply to pensions which would not be noted in Schedule 2 as within the 1963 Act or an earlier Act (the 1969 standard for these pensions being generally higher than the 1971 rate and no supplement being payable).

Ascertainment of 1971 rate

5.—(1) Except as otherwise provided in this Order, the 1971 rate of a pension, other than a pension payable under the Belfast Corporation Act (Northern Ireland) 1943(c) (the 1971 rate of which is determined in accordance with section 6(3) of the 1971 Act) or any pension the 1971 rate of which is in accordance with section 6(4) of the 1971 Act to be taken to be the rate at which it was being paid on 31st August 1971, shall be ascertained in accordance with the following provisions of this Article from the Tables annexed to this Order.

(2) For earnings-related pensions based on final emoluments, the Tables to be used are as follows:—

- (a) for a pension beginning on or before 31st March 1952—
 - (i) if it is based on emoluments of less than £1,365, Table I is to be used;
 - (ii) if it is based on emoluments of £1,365 or over, Table II is to be used, but in the case of a pension beginning after 31st December 1947 and based on emoluments less than £1,500 is to be applied as if the basic rate were that appropriate to a pension based on emoluments of £1,500;

- (b) for a pension beginning on or after 1st April 1952 (but not after 1st April 1961) Table IA and IIA is to be used.

For a pension beginning after 1st April 1961 the 1969 standard is in all cases higher than the 1971 rate, and accordingly a 1971 rate is not given.

(3) For earnings-related pensions based on average emoluments with an averaging period beginning on or before 1st January 1947, the Tables to be used are as given in sub-paragraphs (a) and (b) below, but in cases within paragraph (c) are to be applied as there mentioned:—

- (a) for a pension beginning on or before 31st March 1952—

(i) if it is based on average emoluments of less than £1,500, Table I is to be used, unless it begins after 1st January 1948 and sub-paragraph (iii) below applies;

(ii) if it is based on average emoluments of £1,500 or over, Table III is to be used;

(iii) if it is based on average emoluments less than £1,500 and begins after 1st January 1948, Table III is to be used, but to be applied as if the basic rate were that appropriate to a pension based on emoluments of £1,500, where the 1971 rate so obtained is less than under Table I (as will happen if the emoluments are over £1,365 multiplied by the figure represented in Table III by the symbol Q);

- (b) for a pension beginning on or after 1st April 1952, Table IIIA and IVA is to be used, but the basic rate is to be treated as increased, as mentioned in the notes to the Table, according to the proportion of the averaging period falling before the time there indicated;

- (c) in the case of pensions beginning on or after 1st April 1947, but with an averaging period beginning before 1st April 1946—

(i) if the pension begins on or before 31st March 1952, the rate given by Table I or III is to be increased by the addition of the adjusted 1944 element, if any, to be derived from Table V;

(ii) if the pension begins on or after 1st April 1952, the multiplier in Table IIIA and IVA is to be applied to the basic rate further increased (after the increase referred to in paragraph (b) above) by the adjusted 1944 element, if any, to be derived from Table V.

(4) For earnings-related pensions based on average emoluments with an averaging period beginning after 1st January 1947, the Tables to be used are as follows:—

- (a) for a pension beginning on or before 31st March 1952—

(i) if it is based on average emoluments of less than £1,365, Table I is to be used;

(ii) if it is based on average emoluments of £1,365 or over, Table II is to be used, but in the case of a pension based on emoluments of less than £1,500 is to be applied as if the basic rate were that appropriate to a pension based on emoluments of £1,500;

- (b) for a pension beginning on or after 1st April 1952—

(i) if it is based on average emoluments of less than £1,500, with an averaging period beginning on or before 1st April 1951, Table IIIA and IVA is to be used, but the basic rate is to be treated as increased, as mentioned in the notes to the Table, according to the proportion of the averaging period falling before the time there indicated;

(ii) otherwise Table IA and IIA is to be used, unless the pension begins after 1st April 1961.

For a pension beginning after 1st April 1961 (and not based on average emoluments of less than £1,500 with an averaging period beginning on or before 1st April 1951) the 1969 standard is in all cases higher than the 1971 rate, and accordingly a 1971 rate is not given in Table IA and IIA.

- (5) For flat-rate pensions the Tables to be used are as follows:—
- (a) for a pension which is not within the 1944 Act, or which became payable only on or after 1st January 1966—
- (i) if it begins on or before 31st March 1952, Table I is to be used; and
 - (ii) if it begins on or after 1st April 1952 (but not after 1st April 1961) Table IA and IIA is to be used;
- (b) for a pension which is within the 1944 Act and became payable on or before 31st December 1965—
- (i) if it begins on or before 31st March 1952, Table IV is to be used;
 - (ii) if it begins on or after 1st April 1952, Table IIIA and IVA is to be used, but the multiplier is to be applied to the basic rate increased by the 1944 element or adjusted 1944 element to be derived from Table V.

For a pension beginning after 1st April 1961 and not within paragraph (b) above, the 1969 standard is in all cases higher than the 1971 rate, and accordingly a 1971 rate is not given in Table IA and IIA.

(6) In relation to such a pension as is specified in paragraph 4(a) of Schedule 2 to the 1971 Act, paragraphs (2), (3) and (4) above shall have effect as if references to 1st January 1947 were references to 2nd July 1948, and references to 31st December 1947 and to 1st January 1948 were references to 1st July 1949, and as if paragraphs (2)(a) and (3)(a) each required Table I to be used for any pension beginning on or before 1st July 1949.

Effect on 1971 rate of war increases (Tables I, II and III)

6.—(1) Where a pension within the 1944 Act is based on final emoluments and begins on or before 1st April 1947, or is based on average emoluments and begins on or before 31st March 1947, and there has been a war increase in the basic rate of the pension, then the operation of Table I, II or III, if it applies in relation to the pension, shall be modified in accordance with the rules applicable to the case which are contained in the notes to Table V.

(2) For the purpose of the provisions of this Order relating to pensions within the 1944 Act, "war increase" means any increase which may have resulted from an addition after 3rd September 1939 to the emoluments on which the pension is based, being an addition which the pension authority are satisfied was an addition by way of war bonus or other similar allowance.

Apportionments for 1971 rate in case of double pension (Tables I, II, III and IV)

7.—(1) Where a pensioner is in receipt of a pension within the 1944 Act, and—

(a) the pension—

- (i) is an earnings-related pension beginning on or before 1st April 1947 if it is based on final emoluments, or on or before 31st March 1947 if it is based on average emoluments; and
- (ii) is not one for which head I of Table I, II or III is excluded by the rules as to war increases contained in the notes to Table V; or

- (b) the pension is an earnings-related pension based on average emoluments which begins after 31st March 1947 but on or before 31st March 1952, with an averaging period beginning before 1st April 1946, and is not one for which the adjusted 1944 element obtained from note 3 to Table V would be nil; or
- (c) the pension is a flat-rate pension beginning on or before 31st March 1952 and became payable on or before 31st December 1965;

then, if the pensioner is in receipt also of another pension which is aggregable under paragraph (4) below, Table I, II, III or IV is not to be used to find the 1971 rate of the pension, but that rate shall be arrived at by adding together the adjusted 1944 element, if any, to be derived from Table V, the adjusted 1952 element to be derived from Table VI and the adjusted basic rate.

For this purpose the adjusted basic rate is 1.8887 times the basic rate or, if the basic rate is more than £1,000, is the sum of 1.7170 times the basic rate and £171.70, except for pensions within sub-paragraph (b) above which begin after 1st January 1948 and for which, but for this Article, Table III would be used to find the 1971 rate; and for those pensions the adjusted basic rate is the rate given by Table IIIA and IVA as the 1971 rate for a pension beginning on 1st April 1952 and not within the 1944 Act.

(2) Where a pensioner is in receipt of a pension beginning on or before 31st March 1952, and either—

- (a) the pension is within the 1944 Act, but paragraph (1) above does not operate in relation to it; or
- (b) the pension is within the 1952 Act;

then, if the pensioner is in receipt also of another aggregable pension, the 1971 rate given for the pension first referred to by Table I, II or III shall be reduced by the amount, if any, required by the rules contained in the notes to Table VI.

(3) For purposes of this Article a person for whose benefit a pension is payable shall be deemed to be in receipt of the pension notwithstanding that it is payable to some other person; and—

- (a) where a man and his wife are in receipt, one of a substituted pension, and the other of the original pension, then in relation to the 1971 rate of either pension paragraph (1) or (2) above shall apply as if the one in receipt of the original pension were in receipt also of the substituted pension (instead of the one actually in receipt of it); and
- (b) where a pensioner is in receipt of a pension described in paragraph (1) or (2) above and payable in respect of the services of the pensioner's deceased husband or wife, and another person is in receipt of a pension so described payable in respect of those services but payable for his benefit to that pensioner, then in relation to the 1971 rate of any of the pensions paragraph (1) or (2) above shall apply as if the person in receipt of it were in receipt also of any other of them; and
- (c) where a pensioner is in receipt of a pension described in paragraph (1) above and payable in respect of the services of the pensioner's deceased husband, and a person under the age of 16 who is dependent on her is also in receipt of a pension so described payable in respect of those services (whether or not payable for his benefit to that pensioner), then in relation to the 1971 rate of any of the pensions paragraph (1) above shall apply as if the person in receipt of it were in receipt also of any other of them.

- (4) The following pensions are aggregable for purposes of this Article:—
- (a) any pension within the 1944 Act which either—
 - (i) is an earnings-related pension based on final emoluments that begins on or before 1st April 1947; or
 - (ii) is an earnings-related pension based on average emoluments, that either begins on or before 31st March 1947 or begins at any time before the year 1969 but with an averaging period beginning before 1st April 1946; or
 - (iii) is a flat-rate pension that either begins on or before 1st April 1947 or became payable on or before 31st December 1965;
 - (b) subject to paragraph (6) below, any service pension of which the rate is increasable by an amount corresponding to the 1944 element;
 - (c) any pension in the case of which an increase is payable under any scheme (wherever in force and whether or not authorised by or under any enactment) which was determined for the corresponding purpose of the 1944 Act and 1947 Act to be similar to the provisions of those Acts.
- (5) In relation to the 1952 element the following pensions are also aggregable for purposes of this Article:—
- (a) any pension within the 1952 Act that begins on or before 31st March 1952;
 - (b) subject to paragraph (6) below, any service pension of which the rate is increasable by an amount corresponding to the 1952 element;
 - (c) any pension in the case of which an increase is payable under any scheme (wherever in force and whether or not authorised by or under any enactment) which was determined for the corresponding purpose of the 1952 Act to be similar to the provisions of that Act.
- (6) In paragraphs (4) and (5) above “service pension” means a pension granted under any Order in Council, Royal Warrant or Order of Her Majesty in respect of service in Her Majesty’s naval, military or air forces, whether that service has been rendered by the pensioner or by any other person; but there shall be disregarded—
- (a) the whole of any service pension granted solely on account of death or disablement which is attributable to service in those forces, or granted partly on account of death or disablement which is so attributable but without any specific part of the pension being referable to the death or disablement; and
 - (b) so much as is specifically referable to the death or disablement of any other pension granted partly on account of death or disablement which is so attributable.

For purposes of sub-paragraphs (a) and (b) above a person’s death or disablement shall be treated as attributable to service in Her Majesty’s naval, military or air forces, if it is wholly or partly due to any wound, injury or disease which has been caused or aggravated by service in those forces.

(7) In the case of a pension aggregable by virtue of paragraph (4)(c) or (5)(c) above, account may be taken of it to such greater or less extent as was determined, by the determination there referred to, to have been appropriate for the corresponding purpose of the 1944 Act and 1947 Act or of the 1952 Act, as the case may be.

Adaptations for 1971 rate for derivative pensions under Superannuation Acts (Northern Ireland) 1967 and 1969

8.—(1) Where a pension payable under Part II or III of the Superannuation Act (Northern Ireland) 1967(d) enures for the benefit of more than one child or dependant, the pension shall be treated for the purpose of determining the 1971 rate (including any purpose of Article 7 of this Order) as a number of separate pensions equal to the number of those children or dependants; and the amount of each pension shall be deemed for that purpose to be a sum ascertained—

- (a) where the whole of the pension is paid to the same person, by dividing the amount of the pension by the number of children or dependants; and
- (b) where different parts of the pension are paid to different persons, by dividing each part by the number of children or dependants for whose benefit that part is paid.

(2) Where two or more pensions are payable either—

- (a) under Part II or III of the Superannuation Act (Northern Ireland) 1967 in respect of children or dependants of the same person; or
- (b) in accordance with a warrant issued or having effect as issued under section 18 of that Act in respect of children of the same person;

and the pensions are paid to one person for the benefit of the pensioners but the case is not within Article 7(3)(b) of this Order, that Article shall apply as if the same pensioner were in receipt of both or all those pensions.

Amount of supplement

9.—(1) Where a pension begins on or before 1st April 1961, and any qualifying condition is satisfied other than one of the conditions specified in section 3(3)(b), (c) and (d) of the 1971 Act (which relate to pensioners in receipt of derivative pensions while of an age less than 16 or receiving education or training) the addition to be made to the 1971 rate in accordance with section 6(6) of that Act shall, subject to paragraph (2) below, be of the amount which—

- (a) is given by reference to the 1971 rate in Table VII annexed to this Order; and
- (b) is incorporated by reference to the basic rate in Tables I, II, IA and IIA, IV and IIIA and IVA for the pensions (or some of the pensions) to which those Tables apply.

(2) Where the supplement may be added to the 1971 rate of a pension, and the pensioner is in receipt also of another aggregable pension, then the amount of the supplement shall be reduced by the amount, if any, required by the rules contained in the notes to Table VII.

(3) For purposes of paragraph (2) above, a person for whose benefit a pension is payable shall be deemed to be in receipt of the pension notwithstanding that it is payable to some other person; and, where a man and his wife are in receipt, one of a substituted pension, and the other of the original pension, then in relation to the supplement payable on either pension paragraph (2) above shall apply as if the one in receipt of the original pension were in receipt also of the substituted pension (instead of the one actually in receipt of it).

(d) 1967. c. 24 (N.I.).

(4) The following pensions are aggregable for purposes of paragraph (2) above:—

- (a) any pension in the case of which the supplement may be added to the 1971 rate;
- (b) subject to paragraph (5) below, any service pension of which the rate is increasable by an amount corresponding to the supplement;
- (c) any pension in the case of which an increase is payable under any scheme (wherever in force and whether or not authorised by any enactment) which was determined for the corresponding purpose of the 1963 Act to be similar to the provisions of that Act.

(5) Article 7(6) above shall apply for purposes of paragraph (4) of this Article as it applies for purposes of Article 7(4) and (5).

(6) In the case of a pension aggregable by virtue of paragraph (4)(c) above the provisions of this Article and of Table VII as to the reduction of the supplement where the pensioner is in receipt of more than one pension shall apply subject to the like modifications, if any, as were directed to have effect for the corresponding purpose of the 1963 Act.

(7) For the purpose of this Article any pension payable under the Belfast Corporation Act (Northern Ireland) 1943 shall be deemed to have begun up to 1st July 1955.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 30th day of December 1971.

(L.S.)

R. M. MacDonald,
Assistant Secretary.

SCHEDULE 1

Article 2

PROVISIONS REPEATED FROM 1971 ACT

INTERPRETATIVE PROVISIONS

Meaning of "pension" and "beginning"

8.—(1) For purposes of this Act "pension" includes (subject to section 9)*—

- (a) any allowance or other benefit payable (either in respect of the services of the pensioner or in respect of the services of any other person) by virtue of any superannuation scheme, whether contained in an enactment or otherwise, including a superannuation scheme providing benefits in the case of injury or death; and
- (b) any compensation payable in respect of retirement from an office or employment in pursuance of the provisions of an enactment, any compensation payable in respect of the loss, abolition or relinquishment of an office or employment occasioned by an alteration in the organisation of a department or service or by a transfer or other reorganisation of the functions of local authorities, and any compensation payable in respect of a diminution in the emoluments of an office or employment which has been occasioned as aforesaid.

(2) A pension shall be deemed for purposes of this Act to begin on the day following the last day of the service in respect of which the pension is payable (whenever the pension accrues or becomes payable), except that—

- (a) an earnings-related pension based, directly or indirectly, on emoluments received for a period not ending with the last day of that service, other than a substituted pension, is to be deemed to begin on the day following the last day of that period; and
- (b) a substituted pension is to be deemed to begin on the same day as the original pension, or, if earlier, on the day from which the surrender of the original pension takes effect; and
- (c) a pension payable under section 1 of the Ministerial Offices Act (Northern Ireland) 1952(e) is to be deemed to have begun on the 1st April 1965.

*Section 9 relates to gratuities and lump sums—see Article 4(1)(b) of this Order.

Other definitions

15.—(1) For purposes of this Act—

"basic rate" means the annual rate of a pension apart from any increase under or by reference to this Act or any enactment repealed by this Act, or any corresponding increase made otherwise than under or by reference to this Act or an enactment repealed by it;

"derivative pension" and "principal pension" mean respectively a pension which is not, and one which is, payable in respect of the pensioner's own services;

"earnings-related pension" means a pension computed by reference to a rate of emoluments (whether actual emoluments or not and whether final or average emoluments), or payable at alternative rates one of which is so computed, and includes a derivative pension computed by reference to the rate of an earnings-related pension;

"flat rate" means a rate fixed otherwise than by reference to a rate of emoluments or to the rate of another pension, and "flat-rate pension" means a pension payable at a flat rate only, but includes a derivative pension computed by reference to the rate of a flat-rate pension;

"substituted pension" means a pension granted in consideration of the surrender of the whole or part of another pension ("the original pension").

SCHEDULE 2

Article 4

PENSIONS TO WHICH ORDER APPLIES

[NOTE: The paragraphs in this Schedule are numbered to match the corresponding paragraphs in Schedule 2 to the 1971 Act. They incorporate references to the 1944 Act, etc., and this indicates the Act "within" which the pensions are for purposes of this Order.]

PART I

PENSIONS PAYABLE BY GOVERNMENT DEPARTMENTS

2. A pension payable under the Superannuation Acts (Northern Ireland) 1967 and 1969:—

- (a) payable under Part II or III of the Superannuation Act (Northern Ireland) 1967 [1952 Act.]; or
- (b) payable otherwise than under Part II or III of that Act. [1944 Act.]

3. A pension payable under the National School Teachers (Ireland) Act 1879(f), or a superannuation scheme made under the Education Act (Northern Ireland) 1923(g) (whether as originally enacted or as applied by Order in Council), or under the Teachers (Superannuation) Acts (Northern Ireland) 1950 or 1967. [1944 Act.]

This paragraph does not include any part of an annual allowance that is payable by virtue of an election made under section 12(1) of the Teachers (Superannuation) (Amendment) Act (Northern Ireland) 1956(h).

4. A pension payable by virtue of section 33(2) of the Police Act (Northern Ireland) 1970(i) or the Constabulary Act (Northern Ireland) 1922(j) and the Constabulary (Pensions) Act (Northern Ireland) 1949(k) under the orders relating to the pensions of the Royal Ulster Constabulary or under the orders or regulations relating to the pensions of the Ulster Special Constabulary. [1944 Act.]

This paragraph does not include a derivative pension other than a substituted pension nor a substituted pension if the original pension was a derivative pension.

5. A pension payable out of monies provided by Parliament by virtue of—

- (a) section 12 of the Administration of Justice Act (Northern Ireland) 1954(l) [1963 Act.]; or
- (b) section 19 of that Act. [1944 Act.]

6. A pension payable by the Ministry of Health and Social Services in pursuance of regulations made under section 64 of the National Insurance Act (Northern Ireland) 1946(m), or a pension payable by virtue of regulations made under section 1 of the Superannuation (Special Provisions) Act (Northern Ireland) 1948(n) not being a pension specified in paragraph 2. [1952 Act.]

7. A pension payable by the Ministry of Health and Social Services:—

- (a) payable under section 24 of the Health Services Act (Northern Ireland) 1948(o). [1956 Act.]; or
- (b) payable in pursuance of regulations made under section 61 of that Act [1952 Act.]

8. A pension payable by the Ministry of Finance under section 33 of the Agriculture Act (Northern Ireland) 1949(p). [1952 Act.]

9. A pension payable under Part XIII of the County Courts Act (Northern Ireland) 1959 (q). [1956 Act.]

(f) 42 & 43 Vict. c. 74.

(g) 13 & 14 Geo. 5. c. 21 (N.I.).

(h) 1956. c. 22.

(i) 1970. c. 9 (N.I.).

(j) 12 & 13 Geo. 5. c. 8 (N.I.).

(k) 1949. c. 9.

(l) 1954. c. 9.

(m) 1946. c. 23.

(n) 1948. c. 14.

(o) 1948. c. 3.

(p) 1949. c. 2.

(q) 1959. c. 25.

PART II

PENSIONS PAYABLE BY LOCAL AUTHORITIES, ETC.

13. A pension payable by any local authority solely in respect of local government service, not being a pension specified in paragraph 14 or paragraph 15. [1944 Act.]

14. A pension payable under any regulations or scheme made in pursuance of the provisions of the Local Government (Superannuation) Act (Northern Ireland) 1950(r), not being a pension specified in paragraph 13. [1952 Act.]

15. A pension payable under any enactment by a local authority in respect of service in a fire brigade or in respect of service which by or under any enactment is treated as service in a fire brigade, not being a pension specified in paragraph 16. [1944 Act.]

16. A pension payable by virtue of section 42(2)(b) of the Fire Services Act (Northern Ireland) 1969(s) [1956 Act].

This paragraph does not include a flat-rate pension.

17. A pension payable by the Northern Ireland Hospitals Authority under section 23 or section 60 of the Health Services Act (Northern Ireland) 1948. [1952 Act.]

18. A pension payable by the Northern Ireland Hospitals Authority by virtue of section 2 of the Health Services Act (Northern Ireland) 1958(t), being a pension which, immediately before 1st April 1959, was a pension payable by the Northern Ireland Tuberculosis Authority under section 9, section 10 or section 11 of the Public Health (Tuberculosis) Act (Northern Ireland) 1946(u). [1956 Act.]

19. A pension payable by a local authority by way of such compensation as is mentioned in section 8(1)(b) of the 1971 Act. [1944 Act.]

(r) 1950. c. 10.

(t) 1958. c. 29.

(s) 1969. c. 13 (N.I.).

(u) 1946. c. 6.

TABLE I

Basic Rate	×	£	
		1. Without supplement	2. With supplement
1. <i>Beginning up to 31st March/1st April 1947†</i>			
Up to £100	2.5755*	44.643	72.019*
Up to £133.33	1.8887	113.323	140.699
Up to £200	2.4038	44.643	72.019
Over £200	1.8887	147.664	175.040
†31st March for earnings-related pensions based on average emoluments, 1st April for other pensions.			
*For basic rates below £30.29 the 1971 rate with supplement is 3.1504 times the basic rate plus £54.607.			
2. <i>Beginning up to 31st March 1948</i>			
All pensions	1.8887*	44.643	72.019*
*For basic rates below £41.30 the 1971 rate with supplement is 2.3103 times the basic rate plus £54.607.			
3. <i>Beginning up to 31st March 1949</i>			
All pensions	1.8887*	36.057	63.433*
*For basic rates below £45.84 the 1971 rate with supplement is 2.3103 times the basic rate plus £44.106.			
4. <i>Beginning up to 31st March 1950</i>			
All pensions	1.8887*	27.472	54.848*
*For basic rates below £50.39 the 1971 rate with supplement is 2.3103 times the basic rate plus £33.604.			

1760

Pensions

No. 401

5. *Beginning up to 31st March 1951*

Up to £1000	1.8887*	18.887	46.263*
Over £1000	1.7170	190.589	217.965

*For basic rates below £54.94 the 1971 rate with supplement is 2.3103 times the basic rate plus £23.103.

6. *Beginning up to 31st March 1952*

Up to £1000	1.8887*	10.302	37.678*
Over £1000	1.7170	182.004	209.380

*For basic rates below £59.48 the 1971 rate with supplement is 2.3103 times the basic rate plus £12.602.

NOTE: In the case of earnings-related pensions beginning on or after 1st April 1947, but with an averaging period beginning before 1st April 1946, there is to be added to the 1971 rate as given by heads 2 to 6 of this Table the adjusted 1944 element, if any, to be derived from Table V.

TABLE II

Basic rate	×	£	£
		1. Without supplement	2. With supplement
1. <i>Beginning up to 31st March/1st April 1947†</i>			
Up to £100	2.5755*	44.643	72.019*
Up to £133.33	1.8887	113.323	140.699
Up to £200	2.4038	44.643	72.019
Over £200	1.8887	147.664	175.040

†31st March for pensions based on average emoluments, 1st April for pensions based on final emoluments.

*For basic rates below £30.29 the 1971 rate with supplement is 3.1504 times the basic rate plus £54.607.

2. *Beginning up to 1st January 1948/31st December 1947†*

All pensions 1·8887* 44·643 72·019*

†1st January 1948 for pensions based on average emoluments,
31st December 1947 for pensions based on final emoluments.

*For basic rates below £41·30 the 1971 rate with supplement is
2·3103 times the basic rate plus £54·607.

3. *Beginning up to 31st March 1948*

All pensions 1·7170* 44·643 72·019*

*For basic rates below £45·43 the 1971 rate with supplement is
2·1003 times the basic rate plus £54·607.

4. *Beginning up to 31st March 1949*

All pensions 1·7170* 36·057 63·433*

*For basic rates below £50·43 the 1971 rate with supplement is
2·1003 times the basic rate plus £44·106.

5. *Beginning up to 31st March 1950*

All pensions 1·7170* 27·472 54·848*

*For basic rates below £55·43 the 1971 rate with supplement is
2·1003 times the basic rate plus £33·604.

6. *Beginning up to 31st March 1951*

All pensions 1·7170* 18·887 46·263*

*For basic rates below £60·43 the 1971 rate with supplement is
2·1003 times the basic rate plus £23·103.

7. *Beginning up to 31st March 1952*

All pensions 1·7170* 10·302 37·678*

*For basic rates below £65·43 the 1971 rate with supplement is
2·1003 times the basic rate plus £12·602.

1762

Pensions

No. 401

TABLE IA AND IIA

A. WITH SUPPLEMENT

<i>Basic rate</i>	<i>x</i>	<i>£</i>
1. <i>Beginning on 1st April 1952</i>		
Up to £71·429	2·1003	—
Over £71·429	1·7170	27·376
2. <i>Beginning up to 1st April 1953</i>		
Up to £72·727	2·0628	—
Over £72·727	1·6864	27·376
3. <i>Beginning up to 1st April 1954</i>		
Up to £74·074	2·0253	—
Over £74·074	1·6557	27·376
4. <i>Beginning up to 1st April 1955</i>		
Up to £75·472	1·9878	—
Over £75·472	1·6250	27·376
5. <i>Beginning up to 1st July 1955</i>		
Up to £76·923	1·9503	—
Over £76·923	1·5944	27·376
6. <i>Beginning up to 1st April 1956</i>		
Up to £76·923	1·9337	—
Over £76·923	1·5809	27·144
7. <i>Beginning up to 1st July 1956</i>		
Up to £66·667	1·8689	—
Over £66·667	1·5228	23·072
8. <i>Beginning up to 1st April 1957</i>		
Up to £66·667	1·8529	—
Over £66·667	1·5098	22·875
9. <i>Beginning up to 1st July 1957</i>		
Up to £56	1·7588	—
Over £56	1·4282	18·514
10. <i>Beginning up to 1st April 1958</i>		
Up to £56	1·7436	—
Over £56	1·4159	18·354
11. <i>Beginning up to 1st July 1958</i>		
Up to £40	1·6873	—
Over £40	1·3653	12·880
12. <i>Beginning up to 1st April 1959</i>		
Up to £40	1·6726	—
Over £40	1·3534	12·768
13. <i>Beginning up to 1st July 1959</i>		
Up to £28	1·6177	—
Over £28	1·3042	8·778

	×	£
<i>Basic rate</i>		
14. <i>Beginning up to 1st April 1960</i>		
Up to £28	1.6035	—
Over £28	1.2927	8.701
15. <i>Beginning up to 1st July 1960</i>		
Up to £16	1.5499	—
Over £16	1.2448	4.882
16. <i>Beginning up to 1st April 1961</i>		
Up to £16	1.5362	—
Over £16	1.2338	4.838

B. WITHOUT SUPPLEMENT

<i>Beginning (dates inclusive)</i>	1971 rate ×
1st January 1953—1st April 1953	1.6864
1st January 1954—1st April 1954	1.6557
1st January 1955—1st April 1955	1.6250
2nd April 1955—1st July 1955	1.5944
2nd July 1955—1st April 1956	1.5809
2nd April 1956—1st July 1956	1.5228
2nd July 1956—1st April 1957	1.5098
1st January 1958—1st April 1958	1.4159

In all other cases in this Table, the 1969 standard is higher than the 1971 rate and accordingly a 1971 rate is not given.

TABLE III

<i>Basic rate</i>	×	£
1. <i>Beginning up to 31st March 1947</i>		
Up to £100	2.5755	44.643
Up to £133.33	1.8887	113.323
Up to £200	2.4038	44.643
Over £200	1.8887	147.664
2. <i>Beginning up to 1st January 1948</i>		
All pensions	1.8887	44.643
3. <i>Beginning up to 31st March 1948</i>		
All pensions	1.7170Q	44.643
4. <i>Beginning up to 31st March 1949</i>		
All pensions	1.7170Q	36.057
5. <i>Beginning up to 31st March 1950</i>		
All pensions	1.7170Q	27.472
6. <i>Beginning up to 31st March 1951</i>		
Up to £1000	1.7170Q	18.887
Over £1000	1.7170	18.887+171.702q
7. <i>Beginning up to 31st March 1952</i>		
Up to £1000	1.7170Q	10.302
Over £1000	1.7170	10.302+171.702q

NOTES:

Except in relation to pensions mentioned in Article 5(6) of this Order, symbol q represents the fraction that results from dividing by the total number of half-years in the averaging period the number of them ending on or before 31st December 1947; the symbol Q represents the number obtained by dividing by ten times the total number of half-years in the period the sum of ten times that number and the number ending on or before 31st December 1947 (or is $1+q/10$). Any incomplete half-year at the end of the period is to be disregarded. In the application of head 5 or any later head of this Table to a pension mentioned in Article 5(6) of this Order (and beginning on or after 2nd July 1949) the symbols Q and q have a corresponding meaning, but 1st July 1949 is to be substituted for 31st December 1947.

The 1971 rate with supplement cannot be given in this Table. The amount of the supplement is £27.376 or, if the 1971 rate is less than £124.44, then eleven-fiftieths of the 1971 rate.

TABLE IV

Basic rate	x	£	
		1. Without supplement.	2. With supplement
1. Beginning up to 31st March 1948			
Up to £100	2.5755*	44.643	72.019*
Up to £133.33	1.8887	113.323	140.699
Up to £200	2.4038	44.643	72.019
Over £200	1.8887	147.664	175.040
*For basic rates below £30.29 the 1971 rate with supplement is 3.1504 times the basic rate plus £54.607.			
2. Beginning up to 31st March 1949 ^a			
Up to £100	2.5755*	36.057	63.433*
Up to £133.33	1.8887	104.738	132.114
Up to £200	2.4038	36.057	63.433
Over £200	1.8887	139.080	166.456
*For basic rates below £33.62 the 1971 rate with supplement is 3.1504 times the basic rate plus £44.106.			
3. Beginning up to 31st March 1950			
Up to £100	2.5755*	27.472	54.848*
Up to £133.33	1.8887	96.153	123.529
Up to £200	2.4038	27.472	54.848
Over £200	1.8887	130.495	157.871
*For basic rates below £36.95 the 1971 rate with supplement is 3.1504 times the basic rate plus £33.604.			

4. *Beginning up to 31st March 1951*

Up to £100	2.5755*	18.887	46.263*
Up to £133.33	1.8887	87.568	114.944
Up to £200	2.4038	18.887	46.263
Up to £1000	1.8887	121.910	149.286
Over £1000	1.7170	293.612	320.988

*For basic rates below £40.29 the 1971 rate with supplement is 3.1504 times the basic rate plus £23.103.

5. *Beginning up to 31st March 1952*

Up to £100	2.5755*	10.302	37.678*
Up to £133.33	1.8887	78.983	106.359
Up to £200	2.4038	10.302	37.678
Up to £1000	1.8887	113.322	140.698
Over £1000	1.7170	285.024	312.400

*For basic rates below £43.62 the 1971 rate with supplement is 3.1504 times the basic rate plus £12.602.

TABLE IIIA AND IVA

A. PENSIONS BEGINNING 1ST APRIL 1952 TO 1ST APRIL 1961

(1) 1971 rate and Supplement

<i>Pensions beginning</i>	<i>(a) 1971 rate</i>	<i>(b) Supplement</i>		
		<i>1. Normal</i>	<i>2. Small pensions</i>	
	×	£	1971 rate (£)	×
On 1.4.52	1.7170	27.376	124.44	0.22
Up to 1.4.53	1.6864	27.376	124.44	0.22
Up to 1.4.54	1.6557	27.376	124.44	0.22
Up to 1.4.55	1.6250	27.376	124.44	0.22
Up to 1.7.55	1.5944	27.376	124.44	0.22
Up to 1.4.56	1.5809	27.144	123.38	0.22
Up to 1.7.56	1.5228	23.072	100.31	0.23
Up to 1.4.57	1.5098	22.875	99.46	0.23
Up to 1.7.57	1.4282	18.514	80.50	0.23
Up to 1.4.58	1.4159	18.354	79.80	0.23
Up to 1.7.58	1.3653	12.880	53.67	0.24
Up to 1.4.59	1.3534	12.768	53.20	0.24
Up to 1.7.59	1.3042	8.778	36.58	0.24
Up to 1.4.60	1.2927	8.701	36.25	0.24
Up to 1.7.60	1.2448	4.882	19.53	0.25
Up to 1.4.61	1.2338	4.838	19.35	0.25

NOTES:—

This part of the Table gives the 1971 rate for the classes of pension described below, by applying the multiplier not to the basic rate but to the adjusted rate specified for each class of pension.

The supplement is of the amount given in column 3, unless the 1971 rate is less than the amount given in the first division of column 4: it is then obtained by multiplying the 1971 rate by the factor given in the second division of that column.

Relevant rate of pension

- (a) For flat-rate pensions within the 1944 Act (which became payable on or before 31st December 1965), the rate to be used is the basic rate with the addition of the 1944 element to be derived from Table V: see note 1 to that Table (or, in a case of apportionment, note 5).
- (b) For earnings-related pensions within the 1944 Act (based on average emoluments and with an averaging period beginning before 1st April 1946), the rate to be used is the basic rate with the addition both—
- (i) of the adjusted 1944 element to be derived from Table V: see note 3 to that Table (or, in a case of apportionment, note 4); and
 - (ii) of the amount given by paragraph (c) or (d) below.
- (c) For any earnings-related pension based on average emoluments of £1,500 or over and with an averaging period beginning on or before 1st January 1947, the rate to be used is the basic rate with the addition (further to the addition, if any, under paragraph (b) above) of the appropriate fraction of that rate or, if the rate is more than £1,000, of the appropriate fraction of £1,000; the appropriate fraction for this paragraph is one-tenth of the figure that results from dividing by the total number of half-years in the averaging period the number of them ending on or before 31st December 1947 (any incomplete half-year at the end of the period being disregarded). In relation to pensions mentioned in Article 5(6) of this Order, this paragraph applies with the substitution for 1st January 1947 and for 31st December 1947 of 2nd July 1948 and of 1st July 1949.
- (d) For any earnings-related pension based on average emoluments of less than £1,500 and with an averaging period beginning on or before 1st April 1951, the rate to be used is the basic rate with the addition (further to the addition, if any, under paragraph (b) above) either of the appropriate fraction of the basic rate or, if it is less, of the amount that would raise the basic rate—
- (i) where the averaging period began on or before 1st January 1947, to the basic rate appropriate to a pension based on emoluments of £1,500 plus the addition that would be made to it under paragraph (c) above; or
 - (ii) where the averaging period began after 1st January 1947, to the basic rate appropriate to a pension based on emoluments of £1,500; the appropriate fraction for this paragraph is one-tenth of the figure that results from dividing by the total number of half-years in the averaging period the number of them ending on or before 31st March 1952 (any incomplete half-year at the end of the period being disregarded). In relation to pensions mentioned in Article 5(6) of this Order, this paragraph applies with the substitution for 1st January 1947 of 2nd July 1948.

B. PENSIONS BEGINNING 2ND APRIL 1961 OR LATER

<i>Pensions beginning</i>	1971 rate
	×
2.4.61 to 1.7.61	1.1872
Up to 1.4.62	1.1766
Up to 1.7.62	1.1544
Up to 1.4.63	1.1440
Up to 1.7.63	1.1220
Up to 1.4.64	1.1016
Up to 1.7.64	1.08
Up to 1.7.65	1.06
Up to 1.7.66	1.04
Up to 1.7.67	1.02
Up to 31.12.68	1.00

NOTES:—

This part of the Table gives (so far as relevant) the 1971 rate for the same classes of pension as the first part. No supplement is payable on pensions beginning after 1st April 1961.

The rate of pension to be used in finding the 1971 rate is not the basic rate, but the rate given in paragraphs (a) to (d) under the heading "Relevant rate of pension" in the notes to the first division of the Table.

TABLE V

Rate of pension	×	£
Up to £100	0.4	—
Up to £133.33	—	40
Up to £200	0.3	—
Over £200	—	60

NOTES:—

1. The 1944 element for any pension, when it is to be ascertained in accordance with this Table, is to be obtained by applying the Table to the basic rate of the pension or, where the basic rate of an earnings-related pension includes a war increase, to the basic rate less the war increase (referred to in this Table as "the pre-war rate"); but, where an adjusted 1944 element is required, the amount so arrived at is to be dealt with in accordance with such of the following notes as is applicable.

*A. War increases for earnings-related pensions
(effect on head 1 of Table I, II or III)*

2.—(1) Where head 1 of Table I, II or III would, in accordance with Article 5 of this Order, be used to find the 1971 rate of an earnings-related pension, but the basic rate includes a war increase equal to or greater than the 1944 element ascertained in accordance with note 1 above, then the Table applies as if head 1 were omitted.

(2) Where head 1 of Table I, II or III is to be used to find the 1971 rate of an earnings-related pension, and the basic rate includes a war increase less than the 1944 element ascertained in accordance with note 1 above, then the 1971 rate is to be obtained—

- (a) by applying that head to the pre-war rate instead of the basic rate; and
- (b) by adding to the resulting figure an amount equal to 0.1717 times the war increase.

In a case within this paragraph the 1971 rate with supplement is not to be taken from head 1 of Table I or II if the pre-war rate is less than £30.29, but is to be obtained by adding to the 1971 rate the amount given by Table VII (namely, £27.376 or, if the 1971 rate is less than £124.44, then eleven-fiftieths of the 1971 rate).

*B. Adjusted 1944 element for earnings-related pensions with
averaging period partly before 1st April 1946*

3.—(1) In the case of an earnings-related pension beginning on or after 1st April 1947 and based on average emoluments with an averaging period that begins but does not end before 1st April 1946, the adjusted 1944 element required to find the 1971 rate by using Table I, III or IIIA and IVA is to be obtained as follows, unless note 5 applies:—

- (a) the 1944 element is to be ascertained in accordance with note 1 above, except that the Table is to be applied to the 1946 basic rate, reduced by any war increase included in it, if that rate as so reduced is less than £200;
- (b) if the amount so obtained for the 1944 element is less than a war increase included in the 1946 basic rate, the adjusted 1944 element is nil, but otherwise the amount so obtained less the amount of any war increase so included shall be reduced in accordance with paragraph (2) below;
- (c) the adjusted 1944 element—
 - (i) where it is to be added to a rate obtained by using Table I or III is 1.7170 times the reduced amount obtained under paragraph (2), with any addition which is to be made under paragraph (3) below;
 - (ii) where it is to be added to the basic rate in order to obtain the 1971 rate from Table IIIA and IVA is that reduced amount.

(2) The amount mentioned in paragraph (1)(b) above is to be reduced by multiplying it by the fraction that results from dividing by the total number of years in the averaging period the number of them beginning before 1st April 1946 (any incomplete year at the end of the period being disregarded).

(3) The 1946 basic rate of a pension is that at which the pension could have been granted if based on the average rate of emoluments for the years of the averaging period beginning before 1st April 1946.

C. Adjusted 1944 element in cases of apportionment

4.—(1) Where the adjusted 1944 element of a pension is required in order to find the 1971 rate in accordance with Article 7(1) of this Order, then subject to paragraphs (2) and (3) below it is to be found as follows:—

- (a) there shall be found in accordance with note 1 above the amount of the 1944 element for a pension of a basic rate (not containing any war increase) equal to the sum of the basic rates of the aggregable pensions;
- (b) the amount so arrived at shall be apportioned between the aggregable pensions in proportion to their basic rates;
- (c) the adjusted 1944 element for the pension in question—
 - (i) if it is an earnings-related pension and the basic rate contains a war increase equal to or greater than the amount apportioned to the pension, is nil;
 - (ii) if it is an earnings-related pension and the basic rate contains a war increase less than the amount apportioned to the pension, is 1.7170 times the difference between that amount and the war increase;
 - (iii) otherwise is 1.7170 times the amount apportioned to the pension.

(2) If the pension in question or another aggregable pension is one described in note 3(1) above, then in relation to it references in paragraph (1) above to the basic rate are references to the 1946 basic rate (as defined in note 3(3)); and if the pension in question is one so described, the amount arrived at under paragraph (1)(c)(ii) or (iii) shall be reduced in accordance with paragraph (2) of note 3.

(3) The pensions aggregable for this purpose are limited to those aggregable under Article 7(4), and there shall be disregarded any pension relevant by virtue only of Article 7(3)(b).

5. Where Table IIIA and IVA is to be used to obtain the 1971 rate of a pension, and the multiplier is to be applied to the basic rate increased by a 1944 element, then if the pensioner is, or would for purposes of Article 7 of this Order be treated as being, in receipt also of another pension which for purposes of Article 7 is aggregable under Article 7(4), note 4 above shall apply as it applies where the adjusted 1944 element is required in order to find the 1971 rate in accordance with Article 7(1), except that the adjusted 1944 element under note 4(1)(c)(ii) or (iii) shall be the actual difference between the amount apportioned to the pension and the war increase or the actual amount apportioned to the pension, as the case may be, instead of 1.7170 times that difference or amount.

TABLE VI

<i>Pensions beginning</i>	<i>1952 element</i>
	£
Up to 31st March 1948	44·643
Up to 31st March 1949	36·057
Up to 31st March 1950	27·472
Up to 31st March 1951	18·887
Up to 31st March 1952	10·302

NOTES:—

1. This Table gives the amount of the 1952 element for the purpose of apportioning increases under Article 7 of this Order.

2.—(1) On an apportionment under Article 7 the 1952 element is to be reduced if, but only if, the full amounts of the 1952 elements that would be included in the aggregable pensions together exceed the sum given in column 2 of this Table for the period when they begin (or if they do not all begin in the same period, the earlier or earliest of the periods when any of them begins).

(2) On an apportionment under Article 7(1), if no reduction is to be made in the 1952 element that may be included in the pension in accordance with note 1 above, the full amount that may be so included shall be treated as the adjusted amount; but if a reduction is to be made, the adjusted amount is to be obtained by apportioning between the aggregable pensions the sum given in column 2 of this Table for the period mentioned in sub-paragraph (1) above, the apportionment being made according to the full amounts of the 1952 element which would be included in each pension if there were no reduction.

(3) Where the 1952 element is to be reduced on an apportionment under Article 7(2), the 1971 rate as obtained by use of Table I, II, III or IV shall be reduced by deducting from the aggregate amount of the 1952 elements that would be included in the aggregable pensions if there were no reduction the sum given in column 2 of this Table for the period mentioned in sub-paragraph (1) above, and reducing the rate by a proportionate part of the resulting figure, the apportionment being made on the same basis as under sub-paragraph (2) above.

3.—(1) In determining the adjusted 1952 element for any pension there shall be disregarded a pension relevant only by virtue of Article 7(3)(c) of this Order.

(2) In these notes "relevant rate" means in relation to any pension, the basic rate increased by the appropriate 1944 element, if any; and the appropriate 1944 element for this purpose is—

(a) on an apportionment under Article 7(1), the adjusted 1944 element obtained under note 4 to Table V, before multiplication by any factor of 1·7170; and

(b) on an apportionment under Article 7(2), is the 1944 element as given by note 1 to that Table reduced by the amount of any war increase or, for a pension described in note 3 to that Table, the reduced amount obtained under paragraph (2) of that note.

(3) Where any of the aggregable pensions is not one to which this Order applies these notes shall have effect in relation to it with the necessary adaptations of the expressions used as if it were such a pension.

TABLE VII

<i>Pensions beginning</i>	<i>Supplement</i>		
	<i>1. Normal</i>	<i>2. Small pensions</i>	
	£	1971 rate (£)	×
Up to 1st July 1955	27·376	124·44	0·22
Up to 1st April 1956	27·144	123·38	0·22
Up to 1st July 1956	23·072	100·31	0·23
Up to 1st April 1957	22·875	99·46	0·23
Up to 1st July 1957	18·514	80·50	0·23
Up to 1st April 1958	18·354	79·80	0·23
Up to 1st July 1958	12·880	53·67	0·24
Up to 1st April 1959	12·768	53·20	0·24
Up to 1st July 1959	8·778	36·58	0·24
Up to 1st April 1960	8·701	36·25	0·24
Up to 1st July 1960	4·882	19·53	0·25
Up to 1st April 1961	4·838	19·35	0·25

NOTES:—

1. Except for cases within note 2 below, column 2 of this Table gives the amount of the supplement for pensions beginning at the time stated in column 1, unless the 1971 rate is less than the figure given in the first division of column 3; if it is less, the amount of the supplement is obtained by multiplying the 1971 rate by the figure given in the second division of column 3.

2.—(1) If—

- (a) the pensioner is, or is to be treated for purposes of Article 9(2) of this Order as being, in receipt of another aggregable pension; and
- (b) the supplements that would be payable on the pensions if note 1 applied together exceed the sum given in column 2 of this Table for the period when they begin (or if they do not all begin in the same period, the earlier or earliest of the periods when any of them begins);

then the amount of the supplement is to be obtained by apportioning between those pensions the sum given in column 2 of the Table for that period, the apportionment being made according to the amounts of the supplements that would be payable if note 1 applied.

(2) The 1971 rate with supplement included (as given in any of the other Tables) may be adjusted to give effect to sub-paragraph (1) above by deducting from the aggregate amount of the supplements that would be payable on the pensions if note 1 applied the sum to be apportioned under sub-paragraph (1), and reducing the rate by a proportionate part of the resulting figure, the apportionment being made on the same basis as under sub-paragraph (1).

(3) Where any of the aggregable pensions is not one to which this Order applies, this note shall have effect in relation to it with the necessary adaptations of the expressions used as if it were such a pension.

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport.)

The Pensions (Increase) Act (Northern Ireland) 1971 repealed the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969; but for pensions "beginning" before 1969 the increase under the 1971 Act is related to the higher of the following, namely—

- (a) "the 1969 standard", that is to say, the figure obtained by applying to the basic pension the appropriate multiplier given by the Act (and related to changes in purchasing power between the year in which the pension began and 1st April 1969); and
- (b) "the 1971 rate", with the supplement mentioned below where payable.

The 1971 rate for any pension is a rate that takes account of the cumulative effect of increases under the repealed Acts; and the supplement is the equivalent of the special increase payable to the over-70 under section 2 of the 1963 Act (but under the 1971 Act extended for the purpose of the comparison referred to above to any pension other than a dependant's pension that only qualifies for an increase because payable to a child or a person receiving education or training). Generally speaking, a pension "begins" the day after the end of the service for which it is payable, even if it is a frozen pension, a widow's pension or the like that does not become payable until later.

The main purpose of this Order is, in accordance with section 6 of the 1971 Act, to enable the pensions for which the 1971 rate and the supplement may be relevant, and the amount of the rate and supplement for any of those pensions, to be ascertained without reference to the repealed Acts. The effect of the Order is however liable to modification under the power given by section 5(3) of the 1971 Act (corresponding to powers given by the repealed Acts).

1971. Nos. 402, 403

These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. Summaries are given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.